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7 IN RE: PROPOSED COMPLAINT BY
8 JOSEPH ROBERT GIANNINI

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10 Case No. [22-mc-80101-RS](#)
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**ORDER DENYING LEAVE TO FILE
COMPLAINT**

15 Joseph Giannini petitions to file a Complaint challenging local rules concerning admission
16 to this district and others in the Ninth Circuit. Giannini must obtain leave of the Chief Judge of
17 this District to file suits concerning this subject matter because of the order in *Paciulan v. George*,
18 38 F.Supp.2d 1128 (N.D. Cal. 1999) *aff'd*, 229 F.3d 1226 (9th Cir. 2000). Under the terms of the
19 prefiling order, Giannini must show he has not litigated any of the proposed claims to the merits
20 stage in any previous action, and also that they must not be frivolous. *Id.* at 1147.

21 Each of the claims Giannini makes in the proposed Complaint is either a retread of a claim
22 he has brought before, or is frivolous. *See Giannini v. Real*, 711 F. Supp. 992 (C.D. Cal.
23 1989), *aff'd*, 911 F.2d 354 (9th Cir. 1990) (wherein Giannini raised some of the same claims as
24 here); *Morissette v. Yu*, No. 92-03253 (C.D. Cal. May 26, 1993) (same); *Thaw v. Lynch*, No. 2:15-
25 CV-01703 JWS, 2016 WL 1045527 (D. Ariz. Mar. 16, 2016) (same), *aff'd sub nom. Thaw v.*
26 *Sessions*, 712 F. App'x 604 (9th Cir. 2017); *Nat'l Ass'n for the Advancement of Multijurisdiction*
27 *Prac. v. Berch*, 773 F.3d 1037 (9th Cir. 2014) (same); *Holgate v. Baldwin*, 425 F.3d 671, 676 (9th
28 Cir. 2005) (defining frivolousness).

1 Leave to file the proposed Complaint is denied. The Clerk is directed to close the
2 miscellaneous case and not assign a civil case number.

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4 **IT IS SO ORDERED.**

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6 Dated: April 21, 2022

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RICHARD SEEBORG
Chief United States District Judge

United States District Court
Northern District of California